

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08	UNITED STATES OF AMERICA,)	
09	Plaintiff,)	Case No. CR07-44-RSL
10	v.)	
11	MICHAEL KEITH CUMMINGS,)	SUMMARY REPORT OF U.S.
12	Defendant.)	MAGISTRATE JUDGE AS TO
)	ALLEGED VIOLATIONS
)	OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on June 14, 2010. The United States was represented by Assistant United States Attorney Todd Greenberg, and the defendant by Kyana Stephens. The proceedings were digitally recorded.

The defendant had been charged and convicted of Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g). On or about January 25, 2008, defendant was sentenced by the Honorable Robert S. Lasnik to a term of 36 months in custody, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in substance abuse and mental health programs, financial disclosure, search, up to 120 days at residential reentry center; and no association with known gang member.

01 In a Petition for Warrant or Summons, May 19, 2010, U.S. Probation Officer Jennifer
02 J. Tien asserted the following violations by defendant of the conditions of his supervised
03 release:

04 (1) Failing to comply with the rules and regulations of the residential reentry
05 center (RRC) by absconding on May 17, 2010, in violation of the special
06 condition that he reside in and satisfactorily participate in the program until
07 discharged by his probation officer.

08 (2) Failing to report for urinalysis testing on May 4, 14, and 17, 2010, in violation
09 of the special condition of drug aftercare.

10 In a Supplemental Violation Report dated June 3, 2010, U.S. Probation Officer
11 Jennifer J. Tien asserted the following supplemental violations by defendant of the conditions
12 of his supervised release:

13 (3) Possessing marijuana on or before June 3, 2010, in violation of the general
14 condition that the defendant not unlawfully possess any controlled substance.

15 (4) Associating with a known felon, Amy Tuita, on or before June 3, 2010, in
16 violation of standard condition number 9.

17 On June 4, 2010, defendant made his initial appearance. The defendant was advised
18 of the allegations and advised of his rights.

19 On June 14, 2010, defendant appeared for an evidentiary hearing on the alleged
20 violations. Defendant admitted to violations 1, 3 and 4. As to alleged violation 2, defendant
21 admitted to failing to report for urinalysis on May 17, 2010, but denied failing to report on
22 May 4 and 14, 2010. U.S. Probation Officer Jennifer J. Tien and defendant testified. The
23 Court found defendant failed to report for urinalysis testing on May 14, 2010, but found no
24 violation on May 4, 2010, because defendant had his contact number taken from him when
25 his phone was taken from him at the RRC, and further that he took an immediate urinalysis
26 test at the RRC. Therefore, the Court finds a violation of alleged violation 2 as follows:

